

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Wolsey/Wessington School District  
Accountability Review - Focus Monitoring Report 2008-2009**

**Team Members:** Chris Sargent, Linda Shirley, Education Specialists, and Lori Wehlander, Transition Liaison

**Dates of On Site Visit:** February 10<sup>th</sup>, 2009

**Date of Report:** February 23, 2009

3 month update due: May 23, 2009                      Date Received:

6 month update due: August 23, 2009                  Date Received:

9 month update due: November 23, 2009              Date Received:

Closed:

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 17, 2004.**

#### **ARSD 24:05:22:03 Certified child.**

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Based on the evaluations given, the review team was unable to verify the eligibility category or educational impact for a child currently being served. This child is classified as multiple disabilities. The two disabilities that affect educational performance are traumatic brain injury and other health impairment. The last evaluation completed did not pull forward any medical information, nor were the areas of adaptive behavior or social skills evaluated. The district needs to conduct a comprehensive evaluation, which includes medical information and evaluations in all other areas listed in the eligibility guidelines.

**Follow-up: On-site February 10<sup>th</sup>, 2009**

#### **INDICATOR 15**

##### **Finding:**

Through a review of student records the monitoring noted the following:

Student #1: The prior notice/consent for the November 2008 evaluation did not list the areas to be evaluated. A note on the prior notice/consent form indicated the evaluation was approved via telephone with no indication of a second attempt to acquire written consent. Parents were not informed of areas to be assessed or given 5 days notice prior to testing. Ability, achievement and transition evaluations were conducted resulting in potential eligibility under the category of specific learning disability. The student was placed on the 2008 child count under the category of other health impaired. There was no evidence of a medical diagnosis identifying the medical condition supporting this category.

Student #2: This student was evaluated in November and December of 2008. The prior notice/consent stated the areas of behavior and sensory processing would be assessed. There was no evaluation report data to support these evaluations were administered. The student was determined eligible under the category of specific learning disability. The student was placed on the 2008 child count under the category emotional disturbance.

Student #5: The prior notice/consent for evaluation for this student stated previous evaluations from 1996, 1999, 2002 and 2005 would be used for determining eligibility. There was no evidence of an evaluation report or eligibility determination document stating what data

the team used to determine continued eligibility under the category of cognitive disability. Transition and functional assessment was not available for developing the students IEP.

Student #6: Prior notice/consent was not obtained for an ability evaluation administered during the September 2008 reevaluation for this student. The student was determined to be eligible under the categories of other health impaired and emotional disturbance. The student was reported as multiple disabilities on the 2008 child count. Only one behavior measure was administered to support this determination. Medical information concerning the other health impairment was not pulled forward on the prior notice.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p><b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding:</p> <ul style="list-style-type: none"> <li>• Determination of needed evaluations per suspected disability category</li> <li>• The completion of prior notice/consent for evaluations needed for the purpose of determining eligibility</li> <li>• Development of evaluation reports that must be provided to parents</li> <li>• Administering and reporting functional assessment</li> <li>• Administering and reporting transition assessment</li> </ul> <p>The districts functional assessment report will include a list of specific skills the student has (strengths) and a list of specific skills the student will need to learn (weaknesses) for each skill area affected by the disability including transition.</p> <p><b>Data Collection:</b> The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.</p> <p>Each special education teachers and speech pathologist will submit for <u>one student who has been initially evaluated or reevaluated</u> during the progress reporting period a copy of the following:</p> <ol style="list-style-type: none"> <li>1. the prior notice/consent for evaluation</li> <li>2. copies of <b>all</b> the evaluation reports including functional and transition</li> <li>3. a copy of the prior notice for the eligibility/IEP meeting,</li> <li>4. a copy of the eligibility document and;</li> <li>5. a copy of the IEP</li> </ol>	<p>May 15, 2009</p> <p>December 1, 2009</p>	<p>Special Education Director and staff</p>	

### 3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

## **2. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 17, 2004.**

### **ARSD 24:05:25:04, Evaluation procedures**

School districts shall ensure, at a minimum, a child is assessed in all areas related to the suspected disability and those evaluation procedures include a variety of assessment tools and strategies to gather relevant functional and developmental information about the child. Of the ten files checked there was no evidence of functional assessment unless a speech evaluation was also completed. In three out of three files of students who were sixteen or older, there was not an evaluation completed to address the interests and skills of a transition-aged student. The special education teachers agreed that functional skills and transition are areas that they have not been assessing.

**Follow-up: On-site February 10<sup>th</sup>, 2009**

### **INDICATOR 13**

#### **Finding:**

Through a review of six student records the monitoring team did not find evidence of functional assessment/reports in the skill areas affected by the disability or transition assessment/reports for student of transition age.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p><b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding:</p> <ul style="list-style-type: none"><li>• Administering and reporting functional assessment</li><li>• Administering and reporting transition assessment</li><li>• Development of evaluation reports that must be provided to parents</li></ul> <p>The districts functional assessment report will include a list of specific skills the student has (strengths) and a list of specific skills the student will need to learn (needs) for each skill area affected by the disability including transition.</p> <p><b>Data Collection:</b> The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.</p> <p><b>Documentation submitted for General Supervision #1 will be used to verify correction to this issue.</b></p>	<p>May 15, 2009</p> <p>December 1, 2009</p>	<p>Special Education Director and staff</p>	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

### **3. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 17, 2004.**

**24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include a statement of the student's present levels of educational performance. The monitoring team determined that the present levels of performance were not linked to functional information gathered during the evaluation process. The present levels of performance page contained such statements as: "\_\_\_\_\_ is currently in the \_\_\_\_grade and at Wolsey school and is currently taking classes which include....." Another stated "\_\_\_\_has average ability in all areas except for \_\_\_\_\_."

**Follow-up: On-site February 10<sup>th</sup>, 2009**

#### **INDICATOR 15**

##### **Finding:**

Through a review of six student records the monitoring team determined that the present levels of performance were not linked to functional information gathered during the evaluation process. The information contained in the present levels did not consistently contain "skill specific" strengths and needs in the areas of disability.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding evaluation used for functional and transition assessment and how the skill based information is documented in student present levels of academic achievement and functional performance (PLAAFP). The districts PLAAFPs will include a list of specific skills (strengths) the student has and a list of specific skills the student needs/weaknesses for each skill area affected by the disability including transition. <b>Data Collection:</b> The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.  <b>Documentation submitted for General Supervision #1 will be used to verify correction to this issue.</b>	May 15, 2009          December 1, 2009	Special Education Director and staff	

**3 month Progress Report:**

**6 month Progress Report:**

## 9 month Progress Report:

### 4. GENERAL SUPERVISION

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 17, 2004.**

**24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include a statement of measurable annual goals, including benchmarks or short-term objectives. In four out of nine files reviewed, the students' annual goals were not consistently written as measurable. For example: "\_\_\_\_\_ will be able to express herself appropriately to her teachers." "\_\_\_\_\_ will maintain a B average in her classes (with no short term objectives given)." "\_\_\_\_\_ will read at grade level."

**Follow-up: On-site February 10<sup>th</sup>, 2009**

#### **INDICATOR 15**

##### **Finding:**

Through a review of student records the annual goals did not consistently contain the required content of condition, performance and criteria. Counseling was provided as a related service for two students with no link to a program goal. Annual goals were not consistently developed for all areas of student eligibility. For example, a student with a specific learning disability, eligible in math, reading, oral expression and written expression only had program goals for reading.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding the formation of an individualized education program (annual goals) developed to provide educational benefit. <b>Data Collection:</b> The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.  <b>Documentation submitted for General Supervision #1 will be used to verify correction to this issue.</b>	May 15, 2009  December 1, 2009	Special Education Director and staff	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

### 5. GENERAL SUPERVISION

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 17, 2004.**

**24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and non-academic activities. Seven out of nine files focused on what the student needed to do, rather than the reason for providing services outside of the regular classroom or just stated where services would be provided. These statements included: "At this time \_\_\_\_ needs to better his skills in reading, math, and general language arts/spelling." "The team accepts the placement of general classroom, with access to the resource room study hall as needed, with modifications, as the proper placement."

**Follow-up: On-site February 10<sup>th</sup>, 2009**

#### **INDICATOR 15**

##### **Finding:**

Through a review of six student records the justification for placement statement was not written using the accept/reject format and did not include the instructional needs of the student that resulted in removal from the general education classroom.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding the development of justification for placement statements for student removed from the peers for the purpose of instruction. <b>Data Collection:</b> The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.  <b>Documentation submitted for General Supervision #1 will be used to verify correction to this issue.</b>	May 15, 2009          December 1, 2009		

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

## **6. GENERAL SUPERVISION**

**Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 2, 2006.**

**24:05:27:13.02. Transition services.** Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based

on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. The review team determined that in three out of three files of students who were transition age, there was not a transition plan in place as the service page did not refer back to goals and did not list service recommendations.

### **Follow-up: On-site February 10<sup>th</sup>, 2009**

#### **INDICATOR 13**

#### **Finding:**

Through a review of four records for students of transition age, the monitoring team found one, or combinations of the following issues:

- Measurable post-secondary goals were not measurable
- Measurable post-secondary goals were not linked to annual goals
- Transition assessment was not administered or not summarized into a written report for parents
- Transfer of rights was not completed one year prior to the student's 18<sup>th</sup> birthday

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p><b>Activity/Procedure:</b> The district will develop IEPs linked to transition evaluation that provides an outcome orientated plan designed to assist students in moving out of school into appropriate post-secondary settings.</p> <p><b>Data Collection:</b> The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.</p> <p>Each special education teacher who writes transition plans will submit for <u>one student who has been initially evaluated or reevaluated</u> during the progress reporting period a copy of the following:</p> <ol style="list-style-type: none"> <li>1. the prior notice/consent for evaluation</li> <li>2. copies of <b>all</b> the evaluation reports including functional,</li> <li>3. a copy of the prior notice for the eligibility/IEP meeting</li> <li>4. a copy of the IEP</li> </ol>	<p>May 15, 2009</p> <p>December 1, 2009</p>	<p>Special Education Director and Staff</p>	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

## **7. GENERAL SUPERVISION**

**State Performance Plan - Indicator 3:** Participation and performance of children with disabilities on statewide assessments.



1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

**Finding: On-site February 10<sup>th</sup>, 2009**

Through a review of eight student files, data gathered by the team indicated accommodations/modifications consistently relate to the skill areas affected by the disability, were provided in the student's instructional program and accommodations identified in the IEPs for State/District wide assessment were used during the assessment administration.

**Corrective Action: None**

**8. GENERAL SUPERVISION**

**State Performance Plan – Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated within 25 school days.

**Finding: On-site February 10<sup>th</sup>, 2009**

Through review initial evaluations, students were evaluated within the 25 school day timeline.

**Corrective Action: None**